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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,712	04/29/2002	Jan Dietrich	1966	4591
7590 07/01/2004			EXAMINER	
Striker Striker & Stenby 103 East Neck Road Huntington, NY 11743			GRAHAM, GARY K	
			ART UNIT	PAPER NUMBER
			1744	
DATE MAILED: 07/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/049,712	Applicant(s) DIETRICH ET AL.	
	Examiner Gary K Graham	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04262002+ 02182002</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Reference to the claims from the written description appears improper (for example, page 1, line 20 as numbered). The written description should not look to the claims to define the invention.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al (U.S patent 3,958,295).

The patent to Green discloses the invention as is claimed. Note figure 2 which shows the wiper blade (20) in cross section. Such blade has constriction grooves to define an intermediary strip (19). As can be seen in figure 2, the lateral defining surfaces of constriction grooves leading to the strip (19) both have a spherical course. Also, Green discloses a support element (16) which has a connection device (13) thereon for a wiper arm (10). The support element has two band-like strips (shown but not numbered) which engage in the constriction grooves. Note that the width of the constriction grooves is greater than the thickness of the spring strips.

Claims 1, 2, 5-10, 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosen (U.S patent 3,636,583).

The patent to Rosen discloses the invention as is claimed. Note rubber wiper blade (11) with closed conduit (24) therein for placement against window (25). Said conduit is closed by plugs (23). The blade has two diverging grooves (19) therein for receiving separate band-like strips (20). Note that the width of the constriction grooves is greater than the thickness of the spring strips (fig. 2). Note crosspieces (21).

Claims 1, 7-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Rickett (GB patent 1,222,648).

The patent to Rickett discloses the invention as is claimed. Note rubber wiper blade (10) for placement against windows. The blade has two grooves (22,24) therein for receiving separate band-like strips (32,34). Note that the width of the constriction grooves is greater than the thickness of the spring strips (fig. 1). Note that the spring strips extend longer than the wiper blade. Note crosspieces (33) at opposite ends of the blade which engage an upper surface of the spring strips.

Claims 1, 7-10, 13, 14, 15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Krohm (US patent 3,084,372).

The patent to Krohm discloses the invention as is claimed (figs. 1,2). Note rubber wiper blade (2) for placement against windows. The blade has two grooves (11) therein for receiving separate band-like strips (12). Note that the width of the constriction grooves is greater than the thickness of the spring strips (fig. 2). Note crosspieces (6,7) at opposite ends of the blade, each having a middle section which extends spaced a distance apart from the upper band surface.

With respect to claim 14, note that the yoke (3) is coupled to the strips (12) in a middle region of the spring strips and such yokes are embodied as part of a connecting device for coupling with a wiper arm.

Allowable Subject Matter

Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

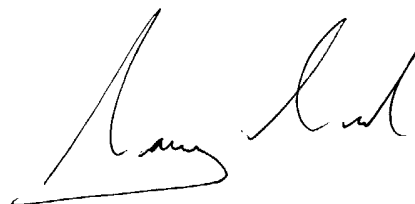
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gary K. Graham", written in a cursive style.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
28 June 2004